

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAYME HERRERA.

Petitioner,

V.

TERESA CISNEROS, Warden,

Respondent.

No. 1:22-cv-0703 JLT SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND
DENYING PETITIONER'S MOTION
FOR A STAY

(Docs. 2, 6)

Jaime Herrera is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner moved for the action to be stayed and his petition to be held in abeyance pending exhaustion of additional claims pursuant to *Rhines v. Weber*, 544 U.S. 269, 277 (2005). (Doc. 2.) The assigned magistrate judge found Petitioner failed to show good cause for the stay, and recommended the motion be denied. (Doc. 6.)

The Findings and Recommendations included a notice that any objections thereto were to be filed within 21 days of service. (Doc. 6 at 3.) In addition, the Court advised Petitioner that the “failure to file objections within the specified time may waive the right to appeal the Order of the District Court.” (*Id.*, citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).) No objections have been filed, and the deadline to do so has expired.

According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.

Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on June 15, 2022 (Doc. 6), are
ADOPTED IN FULL.
2. Petitioner's motion for stay (Doc. 2) is **DENIED**.
3. The matter is referred to the magistrate judge for further proceedings pursuant to
28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

IT IS SO ORDERED.

Dated: July 22, 2022

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE